

United States District Court, Northern District of Illinois

(11)

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 399	DATE	9/30/2002
CASE TITLE	Stephen Assam vs. Elizabeth Assam-Metzler etc. et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

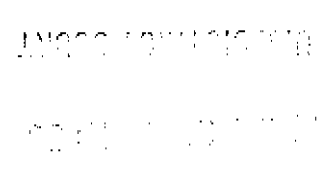
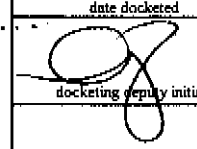
MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____, Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Plaintiff seeks to vacate the prior judgment on the pleadings because, he says, defendant Assam-Metzler has failed to comply with discovery. He also has moved to compel. Both motions are denied. Status hearing set for October 3, 2002 at 9:15am. to stand.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court.	<div style="text-align: center;">  </div>	number of notices	<div style="text-align: center;"> Document Number 55 </div>
<input type="checkbox"/> No notices required.		OCT 01 2002 date docketed	
<input type="checkbox"/> Notices mailed by judge's staff.		 docketing deputy initials	
<input type="checkbox"/> Notified counsel by telephone.		date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		mailing deputy initials	
<input type="checkbox"/> Mail AO 450 form.			
<input type="checkbox"/> Copy to judge/magistrate judge.			
WAH	courtroom deputy's initials	Date/time received in central Clerk's Office	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

STEPHEN ASSAM,

Plaintiff,

vs.

ELIZABETH PATRICIA ASSAM-METZLER
and HARTLAND MORTGAGE CENTERS,
INC.,

Defendants.

No. 01 C 399

DOCKETED
OCT 01 2002

MEMORANDUM OPINION AND ORDER

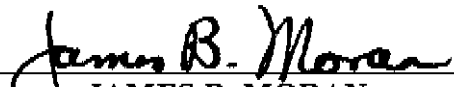
Plaintiff seeks to vacate the prior judgment on the pleadings because, he says, defendant Assam-Metzler has failed to comply with discovery. He also has moved to compel. Both motions are denied.

The discovery dispute is not a dispute but, apparently, a miscommunication. According to defendant Assam-Metzler's counsel, and we have no reason to doubt him, he sent all requested documents to plaintiff's New York address – plaintiff did not pick them up and they were returned to counsel. If plaintiff still desires to review them he can retrieve them from counsel's office.

The motion to vacate judgment is less, though, a discovery dispute than another attempt to overturn the court's prior ruling. In a 31-page brief (which violates the local rule restricting briefs to 15 pages), plaintiff seeks to disavow his prior contention, advanced by his then attorney, that he was the trustee of a resulting trust (which the beneficiary can terminate by manifesting her intent to do so, and she most assuredly has done so). For the reasons

previously stated, we decline to permit plaintiff to try again, with a different theory (which seems to be a return to his original claim that he has a personal ownership interest).

Sept. 30, 2002.



JAMES B. MORAN
Senior Judge, U. S. District Court